

CHAPTER 39 UNIVERSAL SERVICE

199—39.1(476) Definition of terms. For the purposes of Universal Service Fund requirements, the following definitions apply:

“*Eligible telecommunications carrier*” or “*eligible carrier*” means a carrier designated by the board as eligible to receive universal service support pursuant to 47 U.S.C. § 214(e).

“*Facilities*” means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for Universal Service Fund support.

“*Federal Poverty Guidelines*” means the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

“*Toll blocking*” means a service that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

“*Toll control*” means a service that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

“*Toll limitation*” denotes both toll blocking and toll control.

199—39.2(476) Eligible carrier requirements.

39.2(1) Services required. Each eligible telecommunications carrier must offer the services supported by the federal Universal Service Fund throughout the approved service area. These services are:

a. *Voice grade access to the public switched network.* “Voice grade access” is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For purposes of universal service, voice grade access shall occur within the frequency range of between approximately 500 Hertz and 4,000 Hertz, for a bandwidth of approximately 3,500 Hertz;

b. *Local usage.* “Local usage” means an amount of minutes of use of exchange service, prescribed by the Federal Communications Commission, provided free of charge to end users;

c. *Dual tone multifrequency signaling or its functional equivalent.* “Dual tone multifrequency (DTMF)” is a method of signaling that facilitates the transportation of signaling through the network, shortening call setup time;

d. *Single-party service or its functional equivalent.* “Single-party service” is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user’s particular transmission;

e. *Access to emergency services.* “Access to emergency services” includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. “911” is defined as a service that permits a telecommunications user, by dialing the three-digit code 911, to call emergency services through a Public Service Access Point (PSAP) operated by the local government. “Enhanced 911” is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. “Access to emergency services” includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems;

f. Access to operator services. “Access to operator services” is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;

g. Access to interexchange service. “Access to interexchange service” is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier’s network;

h. Access to directory assistance. “Access to directory assistance” is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and

i. Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers includes toll blocking and toll control.

39.2(2) Additional time to complete network upgrades. The board may grant the petition of a telecommunications carrier, otherwise eligible to receive universal service support, requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible telecommunications carrier will be permitted to receive support for the duration of the period designated by the board. The board will grant such a request only upon a finding that exceptional circumstances prevent an otherwise eligible telecommunications carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period will extend only as long as the board finds that exceptional circumstances exist and will not extend beyond the time that the board deems necessary for that eligible telecommunications carrier to complete network upgrades. An otherwise eligible telecommunications carrier that is incapable of offering one or more of these three specific universal services must demonstrate to the board that exceptional circumstances exist with respect to each service for which the carrier desires a grant of additional time to complete network upgrades.

39.2(3) Carrier eligibility requirements. In addition to providing the services required in 39.2(1), each eligible carrier must:

a. Offer the services required using its own facilities or a combination of its own facilities and resale of another carrier’s services. “Own facilities” includes unbundled network elements, in whole or in part. A carrier cannot qualify by providing all of the required services via resale.

b. Advertise the availability of the required services and the charges for the services using media of general distribution to residential customers. Carrier must advertise at least annually, in a publication of general circulation, throughout its approved service area.

39.2(4) Determination of eligibility. Eligibility to receive support from the Universal Service Fund must be obtained from the board. To be designated an eligible carrier, a carrier must file a request using the form that appears in this subrule.

IOWA DEPARTMENT OF COMMERCE
UTILITIES BOARD

**REQUEST FOR UNIVERSAL SERVICE
ELIGIBLE CARRIER STATUS IN IOWA**

This form is to be completed by the petitioning Carrier and returned to the Board. This form is intended to enable compliance with 199 IAC 39.2(4).

1. FULL NAME OF CARRIER PROVIDING SERVICE IN IOWA:

CARRIER MAILING ADDRESS:

NAME, TITLE AND TELEPHONE NUMBER OF CONTACT PERSON:

____CHECK HERE IF CARRIER HEREBY CERTIFIES THAT IT OFFERS THE SERVICES DESIGNATED FOR UNIVERSAL SUPPORT AS LISTED AND DEFINED IN 199 IAC 39.2(1).

____CHECK HERE IF CARRIER SEEKS ADDITIONAL TIME TO COMPLETE NETWORK UPGRADES UNDER THE PROVISIONS OF 199 IAC 39.2(2). THE CARRIER PETITION FOR ADDITIONAL TIME SHOULD BE INCLUDED AS AN ATTACHMENT TO THIS FORM. CARRIER CERTIFIES THAT IT OFFERS THE SERVICES LISTED IN 199 IAC 39.2(1) OTHER THAN THOSE FOR WHICH ADDITIONAL TIME IS SOUGHT.

2. CARRIER USES ITS OWN FACILITIES TO PROVIDE SERVICES SUPPORTED BY UNIVERSAL SERVICE FUND OR PROVIDES THE SERVICES BY A COMBINATION OF ITS OWN FACILITIES AND RESALE OF ANOTHER CARRIER’S SERVICE(S). “OWN FACILITIES” IS DEFINED IN 199 IAC 39.2(3) “a.”

3. CARRIER WILL ADVERTISE AT LEAST ANNUALLY THE AVAILABILITY OF SERVICES DESIGNATED FOR UNIVERSAL SERVICE SUPPORT AND THE CHARGES THEREFOR USING MEDIA OF GENERAL DISTRIBUTION.

4. ____CHECK HERE IF CARRIER IS NOT CURRENTLY APPROVED TO PROVIDE LOCAL SERVICE. IF CHECKED, PLEASE INCLUDE WITH THE FILING OF THIS REQUEST DOCUMENTATION SHOWING YOUR SERVICE AREA.

ATTESTATION

I, _____,
certify that I am the company officer responsible for this request, that I have examined the foregoing request, and that to the best of my knowledge, information, and belief all statements of fact contained in the request are correct statements of the business and affairs of the applicant with respect to each and every matter set forth.

Dated ____/____/____

Telephone Number (____)____-____

SIGNATURE _____

39.2(5) Area served.

a. Unless otherwise ordered by the board, the approved service area for Universal Service Fund support calculations will be the same as the service area currently approved for local service by the board. Those carriers not currently approved to provide local service are required to provide documentation showing their service area.

b. In the case of a service area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the states, after taking into account recommendations of a Federal-State Joint Board instituted under Section 410(c) of the Act, establish a different definition of service area for such company.

c. In the case of a wireless telecommunications carrier, "service area" means that area where the wireless company has been licensed by the FCC to provide service.

(1) If the application of 39.2(5) "c" and the service requirement of 39.2(1) pose an undue hardship on a wireless telecommunications carrier seeking designation as an eligible telecommunications carrier, a wireless carrier may request a waiver of 39.2(1), pursuant to 199—1.3(17A,474,476, 78GA,HF2206).

(2) Requests by a wireless telecommunications carrier for a waiver of 39.2(1) must state, in addition to the requirements established in 199—1.3(17A,474,476,78GA,HF2206), the extent of the area in which the carrier is licensed by the FCC to provide service, the extent of the area in which the carrier is seeking designation, and the carrier's ability to expand universal service fund-supported services throughout its licensed service area within a reasonable time frame. A request for a waiver under 39.2(5) "c" must also include a statement that, should a wireless carrier receive a request from a potential customer within its service area but outside its existing network coverage, the wireless carrier will take a number of steps to provide service to that customer which may include modification or replacement of the requesting customer's equipment, deployment or installation of a roof-mounted antenna or other equipment necessary to provide service, cell tower adjustments, network or customer facility adjustments, an offer of resold services from another carrier's facilities to provide service, or the employment or construction of an additional cell site, cell extender or repeater.

39.2(6) Location of facilities. The facilities providing the services supported by the universal fund need not be physically located in the area served.

199—39.3(476) Low-income connection assistance program (Link-up) and low-income Lifeline assistance.

39.3(1) Filing of tariffs or inclusion of offer in contracts.

a. Eligible telecommunications carriers that file tariffs with the board shall include in their tariffs provisions offering low-income connection assistance (Link-up) and low-income Lifeline assistance rates to qualified applicants for single-party service, voice grade access to the public switched network, DTMF (Dual Tone Multi-Frequency) or its functional digital equivalent, access to emergency services, access to operator services, access to interexchange service, and access to directory assistance. In addition, toll limitation shall be included in this service offering without charge to the Lifeline customer.

b. Eligible carriers that do not file tariffs with the board shall include the Link-up and Lifeline offerings in their agreements to provide service to customers.

39.3(2) Rates.

a. *Link-up connection assistance rates.* The reduced rates shall include all state-tariffed connection charges for installing basic residential service except security deposits. The eligible carrier shall offer to qualified applicants either or both of the following:

- (1) A reduction of 50 percent of all connection charges or \$30, whichever is less, and
- (2) A deferred payment schedule of equal payments of the charges of up to \$200 assessed for commencing service. The consumer does not pay interest on the deferred charges. The deferral period shall not exceed one year.

(3) The consumer shall receive the benefit of the Link-up program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link-up assistance was provided previously.

b. *Lifeline assistance rates.* The rates charged to qualified applicants shall reflect the following:

(1) Eligible carriers that charge federal end-user common line charges or equivalent federal charges must apply the federal baseline Lifeline support to waive the Lifeline consumer's federal end-user common line charges.

(2) Eligible carriers that do not charge federal end-user common line charges or equivalent federal charges must apply the federal baseline Lifeline support amount to reduce the Lifeline consumer's lowest tariffed residential rate.

(3) Qualified applicants shall have their monthly local exchange service rate reduced by the federal support of \$1.75, in addition to the baseline federal support used either to waive the Lifeline consumer's federal end-user common line charges, or to reduce the Lifeline consumer's residential rate.

(4) Eligible carriers may not collect a service deposit in order to initiate Lifeline service, if the qualified applicant voluntarily elects toll blocking where available.

39.3(3) Qualified applicants. To be eligible for Lifeline or Link-up assistance, an applicant must either have income that is at or below 135 percent of the Federal Poverty Guidelines or participate in one of the following programs:

- a. Medicaid (e.g., Title XIX/Medical, state supplemental assistance);
- b. Food stamps;
- c. Supplemental Security Income;
- d. Federal Public Housing Assistance Section 8;
- e. Low-income Home Energy Assistance Program;
- f. Temporary Assistance to Needy Families;
- g. National School Lunch Program's free lunch program.

39.3(4) Application. The application shall be upon a form as set forth below. The form shall be supplied to the applicant by the eligible carrier.

LINK-UP AND LIFELINE RATE ASSISTANCE APPLICATION

Name _____

Address _____

Soc. Sec. _____

City _____ State _____ Zip _____

Phone Number where you may be reached or receive messages (_____) _____

Please answer the following questions (indicate by check mark):

1. By filling out this application I (the applicant) request:
☐ Low-income telephone connection assistance (Link-up) and/or
☐ Low-income Lifeline assistance.
2. Have you received Link-up assistance at the above address in the past?
☐ Yes
☐ No

If the answer is "yes," you are not eligible for Link-up assistance.

3. Are you participating in any of the following programs?
☐ Medicaid (e.g., Title XIX/Medical, State Supplemental Assistance)
☐ Food Stamps
☐ Supplemental Security Income
☐ Federal Public Housing Assistance Section 8
☐ Low-Income Home Energy Assistance
☐ Temporary Assistance to Needy Families program
☐ National School Lunch Program's free lunch program
4. Is your income at or below 135 percent of the Federal Poverty Guidelines?
☐ Yes
☐ No

I understand completion of this application does not constitute immediate acceptance into these programs. I agree to notify the telecommunications carrier if I cease to participate in any of the public assistance programs I checked above or if my income becomes greater than 135 percent of the Federal Poverty Guidelines.

I certify under penalty of perjury the above information is true. I have read the information on this application and understand I must meet the above qualifications to receive assistance from these programs.

SIGNATURE _____ DATE _____

39.3(5) Data collection. Eligible carriers shall keep records of the number of subscribers receiving Link-up and Lifeline assistance. Each eligible carrier must keep accurate records of the revenues it forgoes in providing Lifeline and Link-up. The board requires that the carrier file information with the federal administrator demonstrating the carrier's Lifeline and Link-up plans meet the federal criteria, the number of qualifying low-income consumers, and stating there are no state contributions.

39.3(6) Customer notification.
a. Eligible carriers shall inform all persons ordering new or transferring existing residential service of the Link-up and Lifeline assistance programs and shall inquire whether the customer wants to have further information concerning the programs provided, unless it is apparent that the customer would not be eligible.

b. The eligible carrier shall provide informational brochures and application forms to the county offices of the Iowa department of human services, division of community services for the counties served, to the area agency on aging, and to the community action offices of the department of human rights for the region served. In counties or regions served by more than one eligible carrier, the carriers are encouraged to cooperate in providing the brochures and forms jointly.

c. The eligible carriers shall pursue media coverage of the Link-up and Lifeline assistance programs. This may include advertising where appropriate.

199—39.4(476) Universal service support for schools and libraries. With respect to intrastate telecommunication services, determined by either the board or the Federal Communications Commission to be within the definition of universal service, the discount for elementary schools, secondary schools, and libraries shall be equal to the discount the Federal Communications Commission sets with respect to interstate service.

These rules are intended to implement Iowa Code section 476.102 and the Telecommunications Act of 1996, 47 U.S.C. § 214 and 254.

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